IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 11078 of 2004**

Between:

1 S.Mallesh Yadav s/o late Salandri Mallaiah
All residents of H.No.4-2-618, Ramkote, Hyderabad
2 S.Krishna yadav S/o Late Salandri Malliah
All residents of H.No.4-2-618, Ramkote, Hyderabad
3 S.Parshuram yadav S/o Late Salandri Mallaiah
All residents of H.No.4-2-618, Ramkote, Hyderabad
4 S.Laxman Yadav s/o late Salandri Mallaiah
All residents of H.No.4-2-618, Ramkote, Hyderabad
5 S.Niranjan Yadav s/o late Salandri Mallaiah
All residents of H.No.4-2-618, Ramkote, Hyderabad
6 S.Nagaraj Yadav s/o late Salandri Mallaiah
All residents of H.No.4-2-618, Ramkote, Hyderabad

**..... PETITIONER(S)**

AND

1 The Commissioner, Municipal Corporation of Hyderabad, Having Head Office at Tank Bund, Basheerbagh Hyderabad
2 Smt Salandri yadamma W/o Late S.B.Krishna
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad
3 Salandri Mallesh s/o S.Balaiah,
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad
4 S.B.Satyanarayana S/o S.Balaiah
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad

5 S.Srinivas yadav S/o Late Sri S.B.Krishna
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad
6 S.Raj Kumar yadav S/o Sri S.Mallesh Yadav
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad
7 S.Arvind Yadav S/o S.Mallesh Yadav
Respondent No. 2-7 are residents of portion of the Property bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620
Situated at Ramkote, Hyderabad

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondent No.1 to take action and remove the unauthorized constructions made in the premises bearing Municipal No.4-2-615 to 4-2-618 and 4-2-620 situated at Ramkote, Hyderabad in the interest of justice

**Counsel for the Petitioners:MR.B.V.V.S.MURTHY**

**Counsel for the Respondent No.1: MR.G.RAMA RAO**

**Counsel for the Respondent Nos. 2 to 7 : Mr. G. Dhananjai.**

**The Court at the admission stage made the following :**

ORDER:

Heard the learned counsel on either side.

In this writ petition, the petitioner complains about the inaction on the part of the 1st respondent-MCH in taking action for removal of the unauthorized constructions made by respondents 2 to 7.

Learned Standing Counsel appearing on behalf of the 1st respondent-Corporation submits that the Corporation has issued notices calling upon the respondents to remove the constructions which were not in accordance with the sanctioned plan. Questioning the same, the respondents filed O.S.No.3945 of 2004 before the learned III Junior Civil Judge, City Civil Court, Hyderabad, and obtained injunction in I.A.No.687 of 2004.

In view of the same, the grievance that the 1st respondent-MCH is not taking any action on the complaint made by the petitioner, cannot be countenanced. The petitioners are at liberty to get themselves impleaded in the above suit, if law permits and prosecute the same.

The writ petition is accordingly dismissed. No costs.

28.9.2004

CVM

To,

1 The Commissioner, Municipal Corporation of Hyderabad, Having Head Office at Tank Bund, Basheerbagh Hyderabad

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